

INTERFERENCE DIGEST

Interference No. 105,433

Paper No.

Name: Ulf Eriksson et al.

Serial No.: 09/852,209

Patent No.

Title: Platelet-derived growth factor C, DNA encoding therefor, and uses thereof

Filed: 05/10/01

Interference with Gao et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

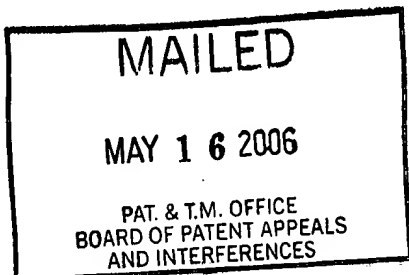
This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard Torczon
Telephone: 571-272-9797
Facsimile: 571-273-0042



Applicants: ERIKSSON
Application No.: 09/852,209
Filed: 05/10/01
For: Platelet-derived growth factor C, DNA coding
therefor, and uses thereof

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,433.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/
RICHARD TORCZON
Administrative Patent Judge

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

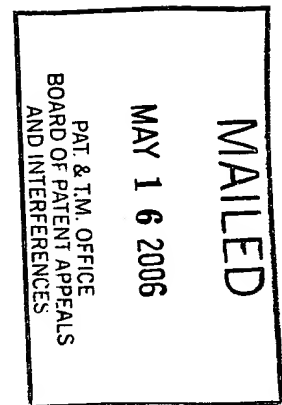
Patent Interference No. 105,433 (RT)
(From Technology Center 1600)

ZYMOGENETICS, INC.
(6,528,050),
Junior Party,

v.

**LUDWIG INSTITUTE FOR CANCER RESEARCH
AND LICENTIA LTD.¹**
(09/852,209),
Senior Party.

DECLARATION - Bd.R. 203(d)²



By TORCZON, Administrative Patent Judge.

1 A. Declaration of interference

2 An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application,
3 patent, count, and claims designated as corresponding to the count appear under headings E
4 and F of this DECLARATION.

5 B. Designation to manage

6 Administrative Patent Judge Richard Torczon has been designated to manage the
7 interference. Bd. R. 104(a).

¹ Collectively, "LICR".

² "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 C. Standing order

2 A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
3 DECLARATION. The STANDING ORDER applies to this contested case.

4 D. Conference call to set dates

5 A telephone conference call to set dates for action in this contested case is scheduled for
6 **2 p.m. (Eastern) on 5 July 2006.** (The Board will initiate the call.)

7 No later than **two (2) business days** prior to the conference call, each party shall file and
8 serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120
9 & 204) the party intends to file.

10 A sample schedule for taking action during the motion phase appears as Form 2 in the
11 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
12 call and to agree on dates for taking action. A typical motion period lasts approximately eight (8)
13 months. Counsel should be prepared to justify any request for a shorter or longer period.

14 E. The parties to this interference15 Junior Party

16 **Patent:** 6,528,050, issued 4 March 2003 (09/706,968, filed 6 November 2000)

17 **Title:** Grow factor homolog ZVEGF3

18 **Inventors:** Zeren Gao of Redmond, Washington;

19 Charles E. Hart of Woodinville, Washington;

20 Christopher S. Piddington of Thousand Oaks, California;

21 Paul O. Sheppard of Granite Falls, Washington;

22 Kimberly E. Shoemaker of Bellevue, Washington;

Debra G. Gilbertson of Seattle, Washington; and

James W. West of Seattle, Washington.

Senior Party

Application: 09/852,209, filed 10 May 2001

Title: Platelet-derived growth factor C, DNA coding therefor, and uses thereof

Inventors: Ulf Eriksson of Stockholm, Sweden;

Karin Aase of Stockholm, Sweden;

Xuri Li of Stockholm, Sweden;

Annica Ponten of Stockholm, Sweden;

Marko Uutela of Helsinki, Finland;

Kari Alitalo of Helsinki, Finland;

Arne Oestman of Uppsala, Sweden;

Carl-Henrik Heldin of Uppsala, Sweden; and

Christer Betsholtz of Göteborg, Sweden.

F. Count and claims of the parties

Count 1

The method of 6,528,050 claim 1 or 09/852,209 claim 36.

The claims of the parties are:

ZymoGenetics: 1-15

LICR: 36, 46-49, 59, and 60

1 The claims corresponding to Count 1:

2 ZymoGenetics: 1-15

3 LICR: 36, 46-49, 59, and 60

4 The benefit accorded for Count 1:

5 ZymoGenetics: 09/541,752, filed 31 March 2000 (6,887,982);

6 09/457,066, filed 7 December 1999 (6,432,673); and

7 60/111,173, filed 7 December 1998.

8 LICR: 09/410,349, filed 30 September 1999; and

9 60/102,461, filed 30 September 1998.

10 G. Heading to be used on papers; exhibit numbers

11 Addendum 1 provides the heading that shall be used on all papers filed in the contested
12 case. See SO ¶ 106.1.1.

13 The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

14 LICR: 1001-1999.

15 ZymoGenetics: 2001-2999.

16 H. Order form for requesting file copies

17 When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite
18 processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a
19 hand-drawn circle around the patents and applications for which a copy of a file wrapper is
20 requested.

Attachment: Copy of the claims for 09/852,209.³

Enclosure: Copy of STANDING ORDER (Paper 2)

cc:

Gary E. Parker, Zymogenetics, Inc., of Seattle, Washington.

Joseph D. Evans, Crowell & Moring LLP, of Washington, D.C., for Ludwig Institute for Cancer Research and Licentia Ltd.

³ Any United States patent listed in this paper is available at <http://patft.uspto.gov/netahtml/srchnum.htm>.

ADDENDUM 1

Filed on behalf of: [Name of Party]
By: [Name of lead counsel
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

Paper No. [Leave blank]

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,433 (RT)

ZYMOGENETICS, INC.
(6,528,050),
Junior Party,

v.

LUDWIG INSTITUTE FOR CANCER RESEARCH
AND LICENTIA LTD.
(09/852,209),
Senior Party.

TITLE OF PAPER

ADDENDUM 2

Patent Interference No. 105,433
FILE COPY REQUEST

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address,⁴ including street, city, state, ZIP code, and telephone number:

3. Telephone, including area code: _____

⁴ Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.